

PLANNING COMMISSION REPORT



MEETING DATE: April 19, 2006

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Tanners - 1-UP-2006

REQUEST

Request to approve a conditional use permit for a bar in an existing 4000 +/- square feet building located at 6990 E. Shea Blvd. Ste. 101 with Central Business District (C-2) zoning.

Key Items for Consideration:

- The proposed bar is located in an existing commercial center along Shea Boulevard.
- The nearest residential use is over 600 feet to the north.
- There is no known opposition.

Related Policies, References:

- The area was annexed to the City 1963.
- Case 5-ZN-83 rezoned the 40+/- acre Agua Caliente property, south of this site in 1983.
- Case 29-DR-1988 gave development approval for the Agua Caliente Shopping Center.

OWNER

Geekee Holdings LLC
602-418-0007

APPLICANT CONTACT

James Ladman
Geekee Holdings LLC
602-418-0007

LOCATION

6990 E. Shea Blvd. at the northwest corner of the Shea Boulevard and N. 70th Street

BACKGROUND

Zoning.

The site is zoned C-2 (Central Business District). The C-2 zoning district allows for general business activities, including bar uses with approval of a Conditional Use Permit.

Context.

This subdivision is located in the Agua Caliente Shopping Center at the northwest corner of the Shea Boulevard and N. 70th Street.

Adjacent Uses:

- North Agua Caliente Shopping Center with C-2 (Central Business District) zoning



- South Shea Boulevard, with C-2, C-O and R1-35 Residential District zoning, note the R1-35 area is the YMCA, 425 feet southwest of the site
- East Agua Caliente Shopping Center with C-2 (Central Business District) zoning
- West Agua Caliente Professional Center (Dental Center) with C-2 District zoning

APPLICANT'S
PROPOSAL

Goal/Purpose of Request.

The applicant is requesting approval of a Conditional Use Permit to establish a Series 6 bar use in an existing building within the Agua Caliente Shopping Center. The bar will offer small entrées and feature 1 or 2 “unmic’d” jazz performers catering to the “twenty-eight and up” business crowd.

Development information.

- Existing Use: Unoccupied building
- Buildings/Description: Formerly Sozzle Grille (Series 12)
- Parcel Size: 2.5 acres more or less
- Building Height Allowed: 36 feet
- Existing Building Height: 28 feet
- Floor Area: 4,000 square feet (gross); 1,800 square feet (kitchen and office); 2,200 square feet (bar and dining) plus 2,000 square foot patio area.

IMPACT ANALYSIS

Traffic.

The proposed restaurant and bar would operate in the evening, with the primary trip generation occurring in the evening hours when other businesses in the center are closed. As there was previously a restaurant/bar operating in this building, no increase in overall traffic or in peak trips generated is expected. Existing access to the Agua Caliente Shopping Center is from Shea Boulevard to the south, 70th Street to the east and 69th Street to the west. There are no known traffic impacts with the existing shopping center or from the proposed bar use.

Parking.

- 58 spaces are required for the bar use, and 110 spaces are provided within the shopping center. There are no parking impacts anticipated at the existing commercial center.
- 120 additional spaces are available through a shared parking agreement with the Agua Caliente Professional Center adjoining the site to the west. (See Parking and Traffic Study, Attachment #11)

Water/Sewer.

Water and Sewer infrastructure is in place to adequately serve the site. No upgrades or additions are necessary.

Police/Fire.

There are no reported public service concerns with this use. The bar conditional use permit criteria require submission of a Security and Maintenance plan, which has been reviewed and approved by the Police Department. (See Attachment #8)

Policy Implications.

The applicant indicates that the establishment will meet the criteria for a bar, small proportion of revenue from food sales, checking for ID at the door, possibly charging a cover charge for admittance will be met, therefore a bar use permit is being sought. New bars are required to obtain a conditional use permit. This policy provides an opportunity to evaluate potential impacts of a new bar on adjacent uses and to require measures to mitigate negative impacts.

Surrounding properties are commercial uses, with no single-family residential use located within the area. Parking for this use is available within the Agua Caliente Shopping Center with additional parking located toward the west. The time of operation is in the evenings, generally not conflicting with the operation of adjoining retail, office and medical office uses in the center. Due to the type of establishment proposed and anticipated clientele ("twenty-eight plus, business crowd") loitering and littering are not anticipated.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **No additional lighting is proposed. This site was previously occupied as a licensed restaurant and most of the facilities within the building currently exist. No smoke, odor, dust or vibration is anticipated from this use.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **Access to the primary parking area for the shopping center is from Shea Boulevard, 69th and 70th Streets and does not modify existing traffic patterns to the area. The bar use could generate additional traffic volume into the shopping center, primarily in the evening hours when many of the other retail, office and medical office tenants in the center are closed. Sufficient parking is available with parking areas located to the north of the building, within the Agua Caliente Shopping Center.**

3. There are no other factors associated with this project that will be materially detrimental to the public.
 - **Adequate parking is available onsite for this use. An outside patio along the east side of the building is located about 50 feet of Shea Boulevard with other commercial uses located toward the south. The impact of this use is not anticipated to be detrimental to surrounding uses.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **The bar request is reasonably compatible with the surrounding retail and offices uses within this shopping center.**
- C. The additional conditions for Bars, cocktail lounges, and/or after hours establishments specified in Section 1.403.C.1 have been applied and satisfied as noted as follows.
 1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - **Most uses within the subject Shopping Center are retail, shops and offices and oriented toward daytime and early evening use. The bar use is intended for later evening use and will not adhesively impact other uses.**
 2. The use shall not disrupt pedestrian-oriented daytime activities.
 - **Pedestrian circulation ways exist at the Shopping Center and will not be impacted by the bar use. An outdoor patio for the bar is situated in a specifically designated, fenced area that will not impact sidewalk use.**
 3. If the site is located within the downtown overlay district then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
 - **The site is outside of the Downtown and Downtown Overlay area.**
 4. If the use is located within five hundred (500) feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.
 - **The use will not be located within 500 feet of any existing or proposed residential project.**
 5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - **A Security and Maintenance Plan has been submitted and approved by the Police Department.**
 6. The applicant shall provide, with the application for a conditional use

permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.

- **Provisions of refuse control are included with the Security and Maintenance Plan and have been stipulated with this case.**

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.

- **No new lighting is associated with this case, and noise levels have been stipulated to not exceed the ambient noise levels of the area.**

8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.

- **The shopping center meets all of its parking demands.**

9. After hours establishments must maintain a valid after hours establishment license.

- **No request for after hours has been made for the site.**

Community Involvement.

The applicant has notified property owners within 750 feet of the site, posted the site with an information sign, and held an open house to discuss this proposal. Comments from those attending the open house were supportive of the proposal. Staff has received no comments from the public regarding this application.

Community Impact.

This request is for a new bar located in a stand-alone building formerly used as a licensed restaurant at the Agua Caliente Shopping Center. The applicant has submitted and obtained approval of a Security and Maintenance Plan that will establish maintenance and security operations for the use. This bar operation is located immediately adjacent to Shea Boulevard and is intended to be open in the evenings and will not adversely impact the shopping center or surrounding uses.

Liquor License.

The liquor license is tentatively scheduled to be heard by City Council on May 15, 2006.

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends approval based on the findings and subject to the attached stipulations.

RESPONSIBLE
DEPT(S)

Planning and Development Services Department
Current Planning Services


STAFF CONTACT(S)

Tim Curtis, AICP
Principle Planner
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

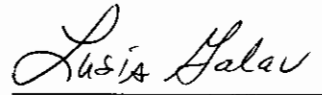
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APPROVED BY



Tim Curtis, AICP
Report Author



Lusia Galav, AICP
Current Planning Director

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Citizen Involvement
7. City Notification Map
8. Security and Maintenance Plan
9. Site Plan
10. Floor Plan

Tanner's Project Narrative

Tanner's is a jazz club/lounge which serves food. Tanner's will utilize the existing facility (previously Pasta Penne and Sozzle Grill) and utilize the existing parking.

Tanner's will not open for business until 4pm for a light happy hour on the patio to five days per week and will close at bar time. Tanner's will serve food with a #6 license (already purchased). With the exception of NYPD Pizza and Ajo Al's Mexican Food all the existing business close by 8:00pm except a massage place of business.

Tanner's will be open less hours than the previous business Sozzle Grill.

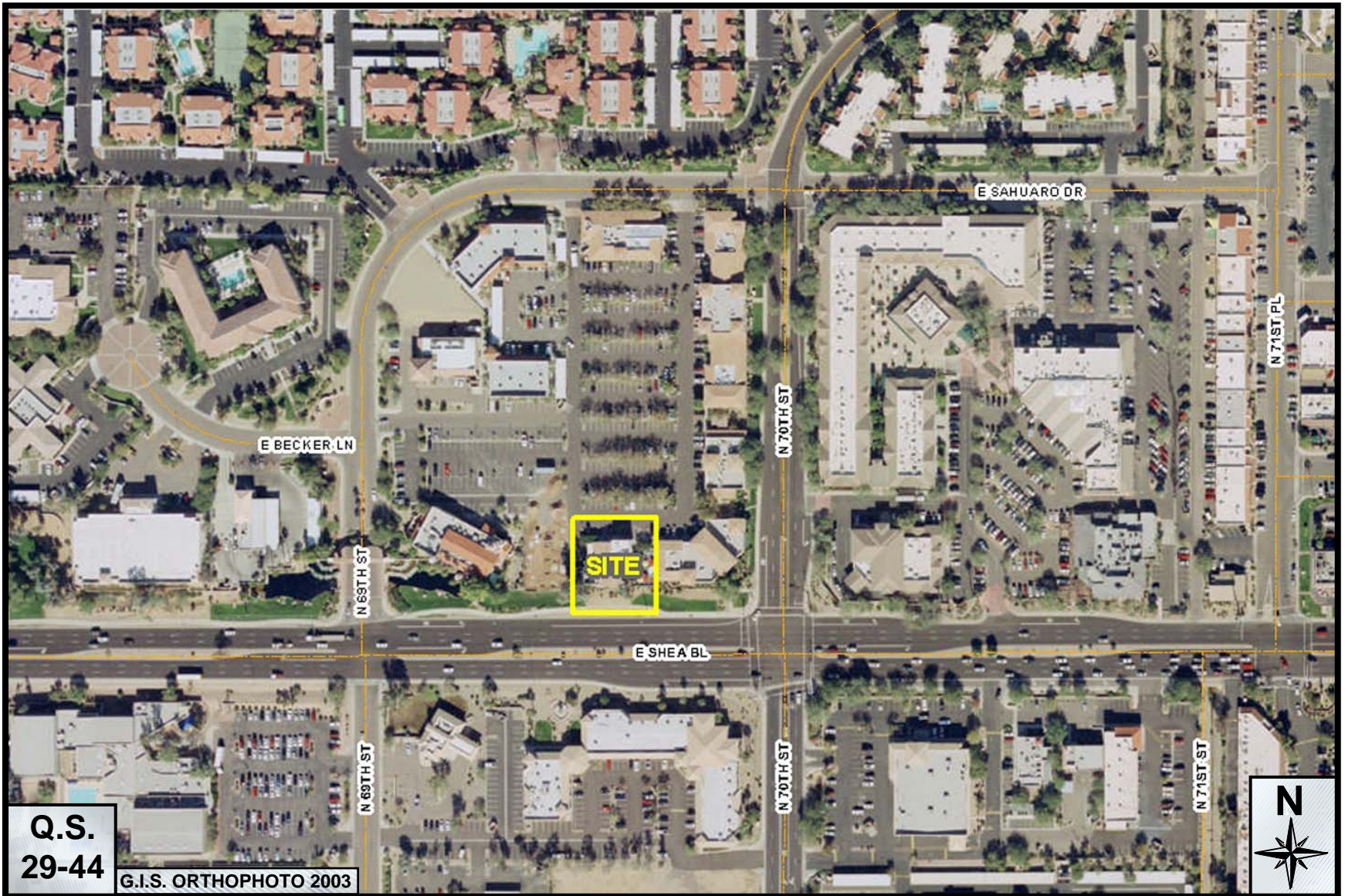
Tanner's shall not disrupt any daytime and nighttime business within the center.

Tanner's is not located within the downtown overlay district.

Tanner's should have no adversely impact on any residential uses.

Tanner's will have an internal active management and security plan to comply with the city's plan and ensure every client's well-being and safety.

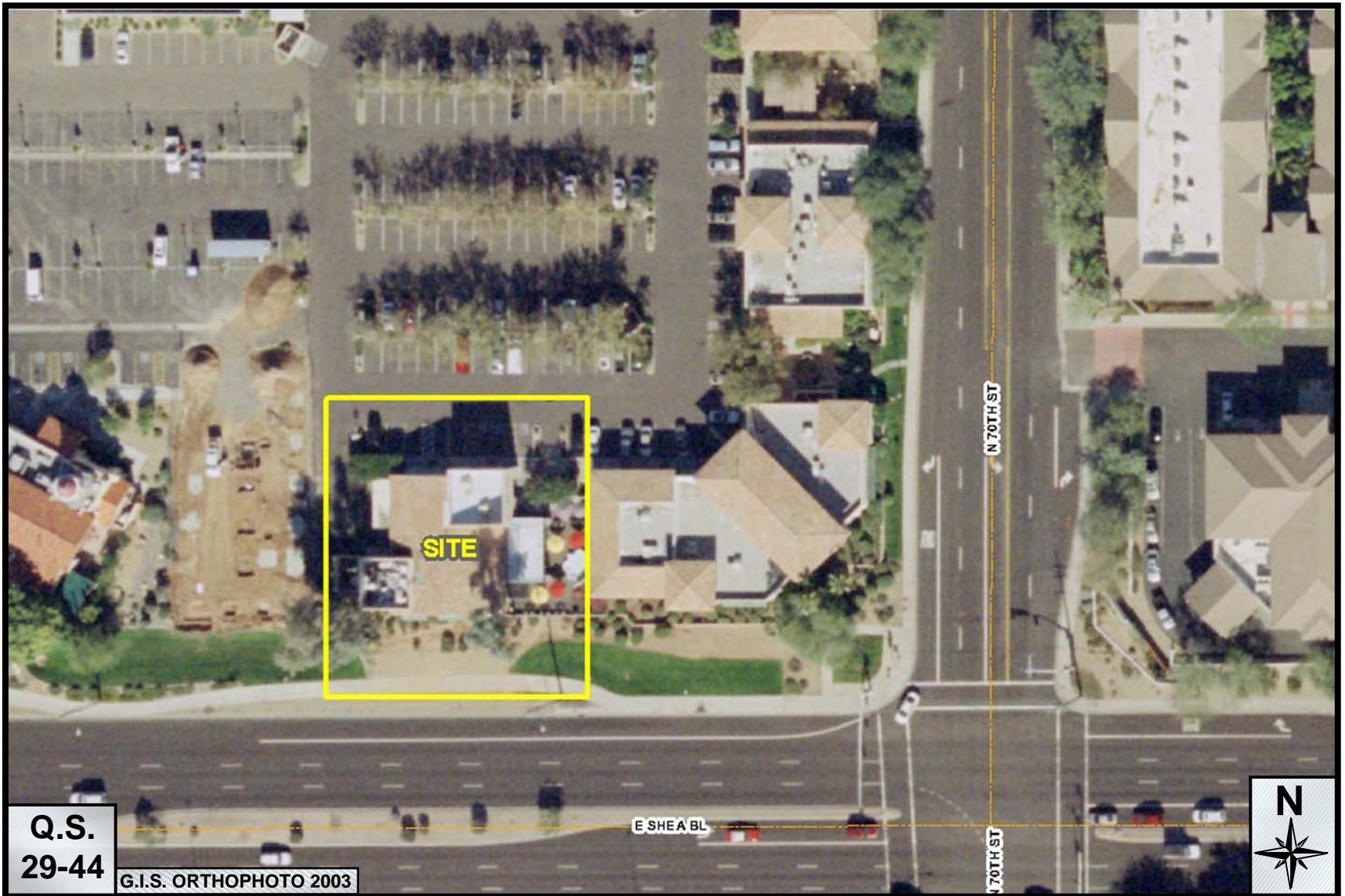
Tanner's will not have after hours and has no plans for special events at this time.



Tanners

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ATTACHMENT #2



Q.S.
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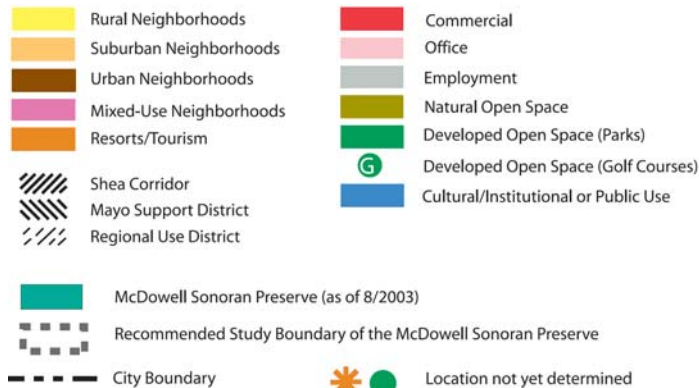
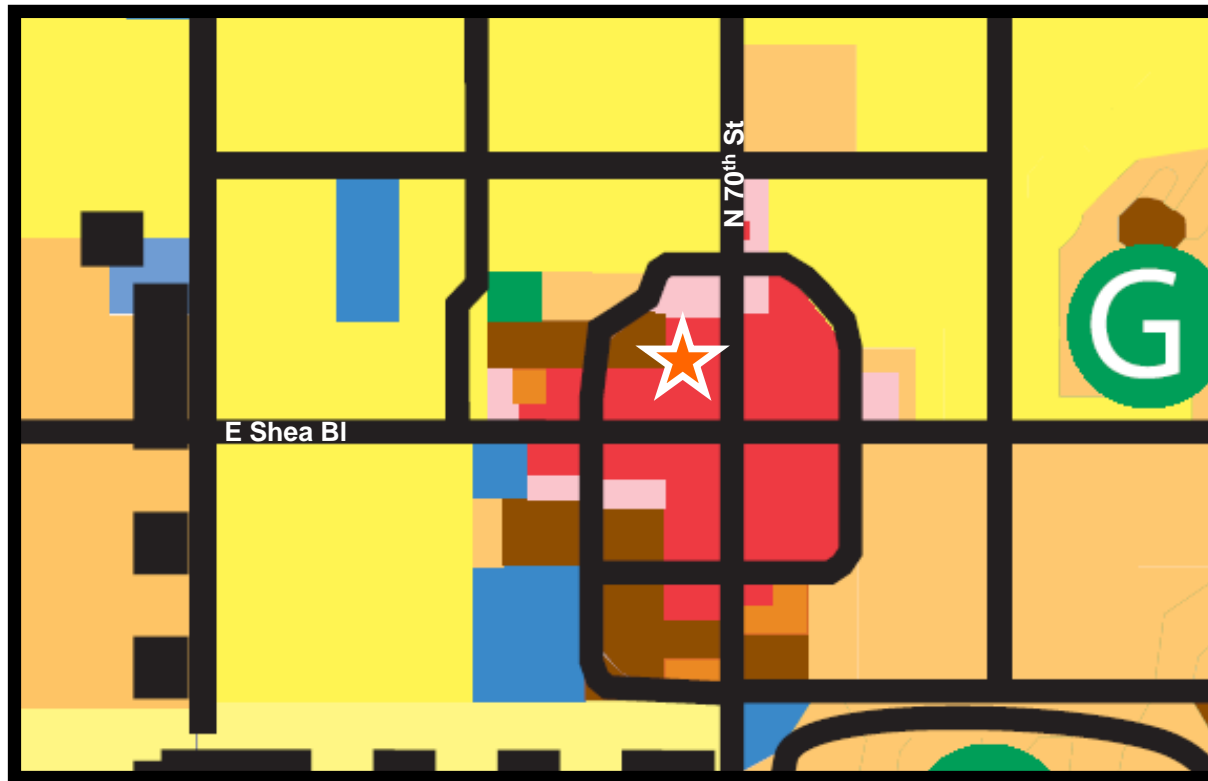
G.I.S. ORTHOPHOTO 2003

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ATTACHMENT #2A

General Plan



1-UP-2006
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004



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ATTACHMENT #4

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STIPULATIONS FOR CASE 1-UP-2006

PLANNING/ DEVELOPMENT

1. OPERATIONS. All operations on site shall comply with the following:

- a. **BAR USE ONLY.** This use permit is approved for a “bar” use **only**, and no live entertainment is approved as part of this request. Any live entertainment requires an application for a live entertainment Use Permit, including hearings before the Planning Commission and City Council.
- b. **REMOVAL OF STAGE.** The applicant shall remove the existing stage on the patio prior to the opening of business.
- c. **NOISE.** No noise generated from this use, including the outdoor patio and any speakers or other amplification equipment, shall exceed noise levels of ambient noise consistent to the use and character of the area during the corresponding hours of operation, as determined by City staff. Amplified music shall be limited to the times that state law allows liquor sales at this bar.
- d. **PUBLIC SECURITY AND MAINTENANCE PLAN.** The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site. Each year, prior to the anniversary of this use permit approval, the bar operator(s)/merchant(s) shall provide an update to the Public Security & Maintenance Plan to the Police Department and the Planning and Development Services Department. Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following: If there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department.
- e. **REFUSE AND LITTER CONTROL.** The bar operator(s) / merchant(s) shall maintain and conform to a refuse and litter control plan approved by the City of Scottsdale’s Planning and Development Services Department and any other applicable departments to city staff satisfaction. A copy of the approved Plan shall be kept on site. The bar operator(s) / merchant(s) shall remove and dispose of litter and debris daily, to the satisfaction of city staff.
- f. **SECURITY MONITORING.** Security personnel identified in the Security and Maintenance Plan shall monitor the parking areas within 500 feet of the use at least once an hour that the bar is open and for at least 30 minutes after the bar closes. Monitoring is defined as physically walking through the parking areas or by viewing cameras (if used) to provide video surveillance.
- g. **NOTIFICATION.** Within ten (10) days of receiving any complaints regarding the bar’s affect on the adjacent uses and properties, the bar operator shall notify the Zoning Administrator of the nature of the complaint. Notification shall also include actions taken or planned by the bar operator to address those complaints.

2. ADMINISTRATION:

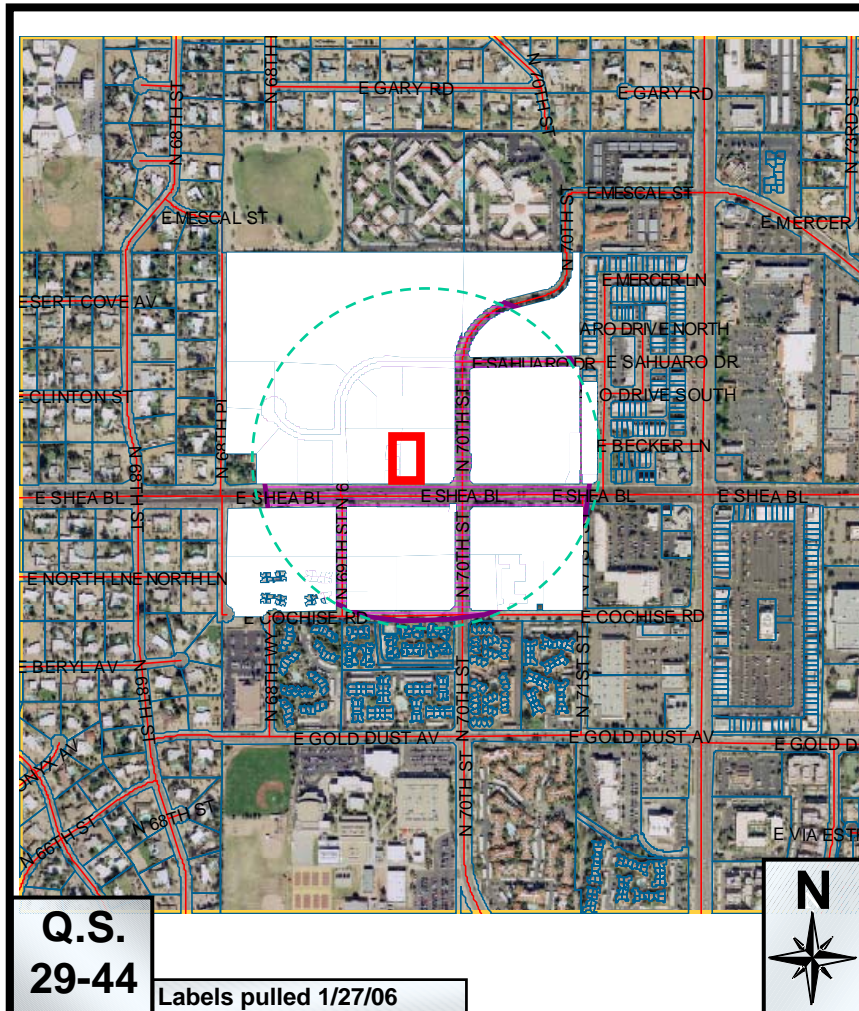
- a. **EXPIRATION DATE.** This Use Permit shall expire one (1) year after City Council approval, unless: (1) the use begins before the expiration date, or (2) the City Council approves an extension based on a written request for extension submitted to the Planning Department at least ninety (90) days before the expiration date.

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Attachment #6 Citizen Involvement

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties

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ATTACHMENT #7

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Attachment #8 Security and Maintenance Plan

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

TANNER'S BAR USE PERMIT

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PARKING CALCULATIONS

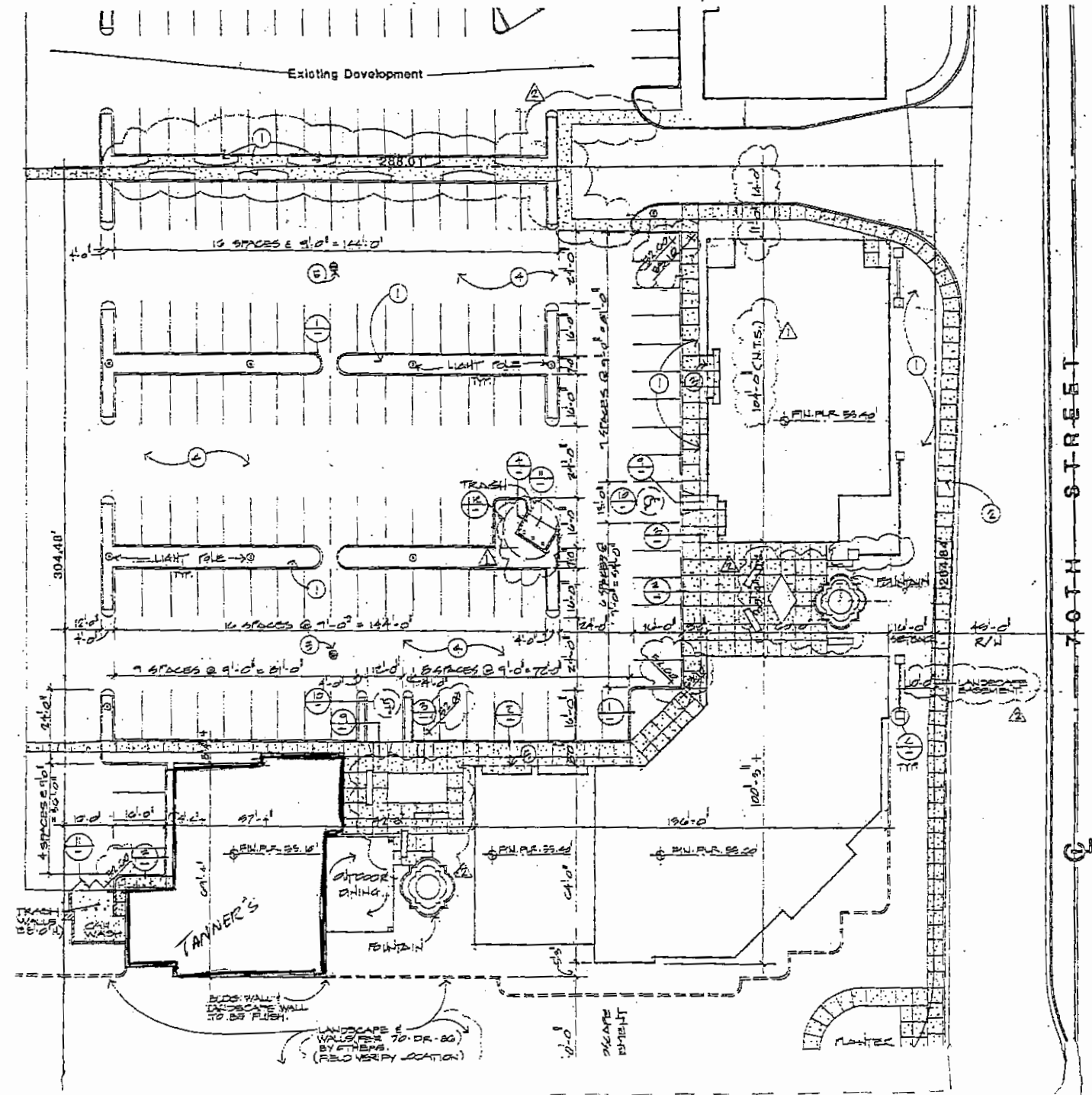
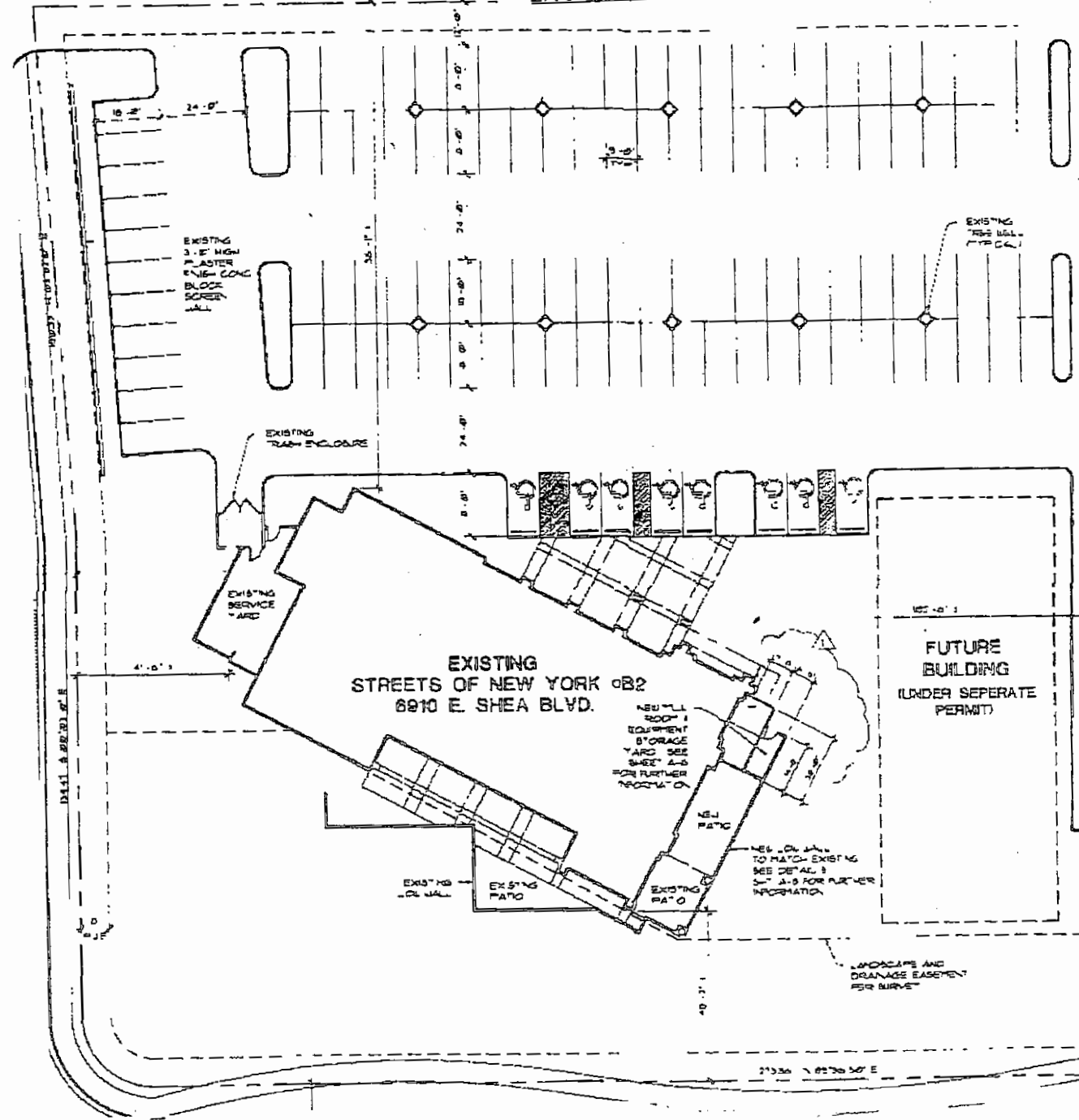
TOTAL BUILDING SQUARE FOOTAGE	8,735 SQ. FT.
SQUARE FOOTAGE DEVOTED TO KITCHEN	3,658 SQ. FT.
TOTAL FLOOR AREA	3,805 SQ. FT.
FLOOR AREA FOR STORAGE TO ITS 50%	1,902 SQ. FT.
TOTAL OUTDOOR FLOOR AREA	134 SQ. FT.
KITCHEN PERCENTAGE OF TOTAL SQUARE FOOTAGE	41%

FLOOR AREA WAS TO BE CALCULATED AT 100% RESTAURANT DUE TO HIGH PERCENTAGE OF KITCHEN AREA

PARKING REQUIREMENTS	
RESTAURANT AREA - SPACE 130 SQ. FT.	8 SPACES
OUTDOOR AREA - SPACE 100 SQ. FT.	1 SPACES
TOTAL PARKING REQUIRED	11 SPACES
TOTAL PARKING PROVIDED	101 SPACES

HANDICAP REQUIREMENTS	
HANDICAP PARKING REQ. - 1% SPACES	1 SPACES
HANDICAP PARKING PROVIDED	0 SPACES

EXISTING PARKING TO REMAIN 'AS IS'



ENTERANCE

SHEA BLVD.

